

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.717 of 2025

Arising Out of PS. Case No.-58 Year-2024 Thana- MAHILA PS District- Buxar

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RAJESH KUMAR @ RAJESH YADAV S/O- RAM PRAVESH YADAV @
RAM PRAVESH SINGH Village- Dalsagar Ps- Buxar Industrial Dist- Buxar
... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Preeti Kumari D/o- Suresh Paswan Village- Dalsagar Ps- Buxar Industrial
Dist- Buxar
... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Ravi Shankar Pathak

For the Respondent/s : Mr.Binay Krishna

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 20-02-2025 1. Heard the parties.

2. The present appeal has been filed for setting aside the order dated 06.02.2025 passed by learned A.D.J. 1st cum Special Judge SC / ST (P.O.A.) Act, Buxar in Buxar Mahila P.S. Case No. 58 of 2024 registered for the offence under Section 64, 76, 62, 352 , 351(2) of the Bhartiya Nyaya Sanhita and Section 3(i) (w)(i), 3(2)(va) of the Schedule Castes and Schedule Tribes (Prevention of Atrocities) Act, 1989 whereby and where under the court below has rejected the prayer for regular bail of the appellant.

3. As per the F.I.R. the appellant attempted to commit rape and outrage the modesty of the informant.



4. Learned counsel for the appellant submits that both the parties are neighbours and the appellant was having cordial relationship with the informant. From perusal of the F.I.R. no *prima facie* offence under the SC/ST Act is made out, however, the only allegation against the appellant is that he attempted to commit rape. Now, both the parties have amicably settled their grievance and cordial relation has been established between the parties and a joint compromise petition has been filed before the concerned court as would be evident from Annexure- P/4. The marriage of the appellant has been fixed with another lady and the schedule date of marriage is 23.02.2025.

5. Learned counsel for the informant accepts the submission made by learned counsel for the appellant that parties have come to amicable settlement and the informant has no objection if the privilege of regular bail is given to the appellant. The appellant is in custody since 05.02.2025.

6. Regard being had to the submissions made by the parties, taking into consideration the nature of allegation and the fact that appellant is in custody since 05.02.2025 and there is no likelihood that the appellant will abscond or tamper with the evidence, as such, I am inclined to grant regular bail to the appellant.



7. Accordingly, the order dated 06.02.2025 passed by learned A.D.J. 1st cum Special Judge SC/ST (P.O.A.) Act, Buxar in Buxar Mahila P.S. Case No. 58 of 2024 is set aside.

8. Let the appellant, above named, be released on regular bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned A.D.J. 1st cum Special Judge SC/ST (P.O.A.) Act, Buxar in connection with Buxar Mahila P.S. Case No. 58 of 2024.

(Anil Kumar Sinha, J)

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